

REMARKS

Claims 1-7, 10-15, 18-31, 34-42 and 45-54 are pending in this application. By this Response, claims 19 and 24 are amended for clarification purposes only. No new matter has been added by the amendments to claims 19 and 24. Reconsideration of the claims is respectfully requested in view of the following remarks.

I. Non-Statutory Double Patenting Rejection

The Office Action provisionally rejects claims 1-7, 10-15, 18-31, 34-42 and 45-54¹ under the judicially created doctrine of double patenting over claims 1-59 of co-pending U.S. Patent Application Serial No. 10/062,369. It is noted that the Office Action references U.S. Patent Application No. 10/062,469 in the statement of the rejection but then quotes claims that are present in U.S. Patent Application No. 10/062,369. In an October 26, 2005 telephone conversation with Examiner Vu, he verified that the reference to "10/062,469" was a typographical error and the actual rejection is based on claims 1-59 in co-pending U.S. Patent Application 10/062,369. This rejection is respectfully traversed.

The Office Action states that a terminal disclaimer may be filed in accordance with 37 CFR 1.321(c) in order to overcome this rejection. Filed concurrently herewith is a terminal disclaimer in accordance with 37 CFR 1.321(c) disclaiming, except as provided in the terminal disclaimer document, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of any patent granted on co-pending U.S. Patent Application Serial No. 10/062,369. Therefore, it is Applicants' understanding that the provisional double patenting rejection has been overcome and that the claims now stand in condition for allowance.

¹ It is noted that the Office Action states that claims "17,..." are rejected, but it appears that the Examiner intended to state that claims "1-7" are rejected.

II. Request for Signed PTO-1449

Applicants respectfully reiterate their request for a signed copy of the PTO Form-1449 filed with the present application on January 31, 2002. A copy of the PTO-1449 is attached hereto for the Examiner's convenience. Please return the signed copy of the PTO-1449 with the next communication from the U.S. Patent and Trademark Office.

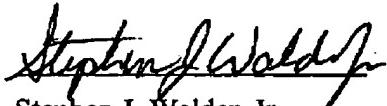
In addition, Applicants note that a Supplemental Information Disclosure Statement was filed on October 13, 2005. Applicants request that the Examiner consider the references cited therein and provide Applicants with a signed copy of the PTO Form-1449 indicating consideration of the filed references.

III. Conclusion

It is respectfully urged that the subject application is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: October 27, 2005



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Attachments:

Copy of PTO Form-1449